

Endst. No. 2998, dated 10th November, 1986.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of Industrial Disputes Act, 1947.

V. P. CHAUDHARY,  
Presiding Officer,  
Labour Court, Ambala.

No. 9/6/96-6Lab./11296.—In pursuance of the provision of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the management of The Executive Engineer, Construction Branch, Kurukshetra University, Kurukshetra.

IN THE COURT OF SHRI V.P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA

Reference No. 271 of 1985

SHRI JIT SINGH, WORKMAN C/O SHRI RAJESHWAR NATH, TIMBER MARKET, AMBALA CANTT.  
AND THE MANAGEMENT OF THE EXECUTIVE ENGINEER, CONSTRUCTION BRANCH,  
KURUKSHETRA UNIVERSITY, KURUKSHETRA

Present:

Shri Rajeshwar Nath, for workman.  
Shri M. L. Kalra, S.D.O., for respondent.

#### AWARD

The Hon'ble Governor of Haryana in the exercise of its powers conferred,—vide clause (C) of sub-section (i) of section 10 of Industrial Disputes Act, 1947 referred dispute between Sri Jit Singh and Messers Kurukshetra University, Kurukshetra etc. to this Court. The terms of the reference are as under:—

“Whether termination of services of Sri Jit Singh is just and correct; if not, to what relief, is he entitled?”

Workman Jit Singh through his demand notice alleged that he was appointed as a Chowkidar,—vide letter No. 156/C-1/76, dated 7th January, 1976. He served the respondent-management to the satisfaction of the superior. A theft took place in the University Complex he along with Sri Madan Lal was involved wrongly in that case. Respondent-management terminated his services,—vide order dated 18th March, 1980, on account of gross mis-conduct. He had been praying to the respondent-management that he did not commit any theft and the case against him is a false one but he was not listened. Trial of that case was conducted by Chief Judicial Magistrate, Kurukshetra who,—vide his judgement dated 19th April, 1983 acquitted him. He again approached the management that he has been acquitted from the charges and he be retaken in job but the respondent-management did not exceed to his request, so he issued demand notice on the basis of the same this reference was made to this Court. He further prayed that he be got reinstated with continuity in service and with full backwages.

Respondent-management contested the dispute and contended that Kurukshetra University, Kurukshetra is not industry. So it is not covered within the provisions of Industrial Disputes Act. Applicant has got no *locus standi* to file this dispute. It was also contended that the reference is bad for non-joinder of necessary parties. Appointment of workman Jit Singh had been admitted by the management on purely temporary basis. Applicant's services were terminated because he was temporary hand and criminal case which was registered against him has got no relevancy with the termination.

On the pleadings of the parties the following issues were framed:—

Issues :

1. Whether termination of services of workman Jit Singh is unjustified and incorrect; if so, its effect? OPW.
2. Relief.

I have heard Authorised Representatives of the parties and have perused the oral and documentary evidence placed on the file. My issue-wise findings are as under:—

Issue No. 1:

Before switching on my discussion on facts on this issue I would like to discuss certain legal points which have been raised by the Authorised Representative of the Respondent-management. Although at the time of construction of issues no legal issues were pressed. However, certain legal pleas and objections have been taken in the reply filed by the respondent-management.

The Authorised Representative of the respondent-management argued that respondent is not an industry and he cited an amendment of 1982 to this effect and 1984 LLT page 208, but the Ld. Authorised Representative failed to show me on what date this amendment was enforced in the State of Haryana. I do agree that this amendment was made. But up till this day it has not been made applicable in this state, so Kurukshetra University, Kurukshetra has not been taken out of purview of the definition of an industry under the Industrial Disputes Act, 1947. So Labour Court has got jurisdiction to try this dispute between Shri Jit Singh and Messrs Kurukshetra University, Kurukshetra as referred by the State Government of Haryana to this Court.

The Ld. Authorised Representative of the respondent-management argued that Kurukshetra University, Kurukshetra has not been impleaded as a party in this reference but the Ld. A.R. is sadly mistaken because he had not properly and minutely inspected the file because in the heading of the reference Shri Jit Singh and Messrs Executive Engineer, Const. Branch II, Kurukshetra University, Kurukshetra have been made party to this dispute, so reference is not at all bad for non-joinder of necessary and proper parties.

Workman in support of his case examined himself as AW-1 while respondent-management examined Shri M.L. Kalra. The stand of the workman is that he was involved in a false criminal case, so his services were terminated by the respondent. Respondent-management in written statement contended that workman was employed on purely temporary basis, so his services were dispensed with and the termination had got no bearing with the criminal theft case. But when MW-1 Shri M.L. Kalra was examined he did not utter even a single word regarding justifying the termination of Shri Jit Singh. He simply stated that Shri Jit Singh was appointed as a Work-charge according to the condition of service which are mentioned in his appointment letter, dated 7th January, 1976 which is on the file and i.e. Ex.-A-6. In cross-examination Shri M.L. Kalra stated that it is correct that the workman was involved in a theft case on that ground his services were terminated and now he has been acquitted in that theft case.

It is admitted fact that Shri Jit Singh, workman was appointed on 7th January, 1976, his services were terminated on 18th March, 1980. On that day he had completed service more than 240 days, so at the time of terminating his services compliance of provisions of section 25 (F) of Industrial Disputes Act, 1947 was essential. But before terminating services of Shri Jit Singh neither any notice was given to him nor pay, in lieu of, notice period nor retrenchment compensation was paid to him. So there is a violation of section 25(F) on the part of the respondent-management while terminating the services of workman.

Workman has filed a copy of judgement Ex-A-1 in which Ld. Senior Sub-Judge, Kurukshetra has observed that two witnesses Shiv Kumar and Tribhawan were examined. They deposed that they caught Shri Madan Lal accused red handed while they did not say anything against Shri Jit Singh so Jit Singh was acquitted in theft case. Workman Jit Singh submitted applications for re-appointment as Chowkidar to Respondent-management but he was not heard. Copies of those applications are Ex.A-1 to A-5.

In view of the above discussion I am of the considered view that the termination of Shri Jit Singh was made on the ground that he was involved in theft case as admitted by MW-1. He has been acquitted in that theft case.

Secondly, termination of Shri Jit Singh workman was in violation of provisions of section 25(F) of Industrial Disputes Act, 1947, so he is entitled to reinstatement with continuity in service and with full back wages. So this issue is decided, in favour of workman against the respondent management.

#### Issue No. 2—Relief :

For the foregoing reasons on the basis of my issue-wise findings I hold that workman Jit Singh be reinstated with continuity in service and with full back wages from the day of termination and I pass award regarding the controversy between the parties accordingly.

V. P. CHAUDHARY,

Presiding Officer,  
Labour Court, Ambala.

Dated the 10th November, 1986.

Endst. No. 3074, dated the 14th November, 1986.

Forwarded (Four Copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,  
Labour Court, Ambala.